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5 Attorney for Defendant
6 GABRIEL ZENDEJAS-CHAVEZ

7 UNITED STATES DISTRICT COURT

8 FOR THE CENTRAL DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

No. CR 18-173-GW

10 Plaintiff,

DEFENDANT CHAVEZ'S RENEWED MOTION
TO DISMISS FOR SPEEDY TRIAL
VIOLATIONS

11 v.

12 GABRIEL ZENDEJAS-CHAVEZ (3),

Location: Courtroom of the
13 Defendant. Hon. George Wu

14
15 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

16 PLEASE TAKE NOTICE that on September 5, 2024, at 8:00 a.m. before the
17 Honorable George Wu of the above-captioned Court, defendant Gabriel
18 Chavez will, and hereby does, renew his motion to dismiss for speedy
19 trial violations.

20 This motion is brought pursuant to Federal Rule of Criminal
21 Procedure 14(a), 18 U.S.C. § 3162, and the Fifth and Sixth Amendments
22 to the United States Constitution. This renewed motion is brought
23 for the following reasons, which are all documented in the Court's
24 file:

25 1. Mr. Chavez repeatedly exercised his right to a speedy
26 retrial after the Court declared a mistrial in 2022;

- 1 2. Mr. Chavez separately sought to sever from his current
- 2 codefendants on grounds that evidence of the murder of P.C.
- 3 would prejudice him at trial [ECF 4039 at 16];
- 4 3. The government opposed each of Mr. Chavez's requests on
- 5 grounds that (a) "judicial economy" favored trying Mr.
- 6 Chavez with his codefendants and (b) Mr. Chavez would not
- 7 be prejudiced by P.C.'s murder;
- 8 4. Following Mr. Chavez's 2022 mistrial, the government
- 9 permitted a codefendant (Deshannon) to sever and proceed to
- 10 trial, twice;
- 11 5. Mr. Chavez remained on home confinement from 2018 until a
- 12 few months ago;
- 13 6. Each time Mr. Chavez sought to remove his home confinement
- 14 condition, the government opposed;
- 15 7. Unbeknownst to the Court or Mr. Chavez, the government used
- 16 the years that elapsed since Mr. Chavez's 2022 mistrial to
- 17 restructure its case against him using suppressed *Brady*
- 18 evidence from his first trial to supersede with a new
- 19 indictment that it filed after the statute of limitations
- 20 had expired;
- 21 8. The government continued to pursue a special allegation and
- 22 several OAs relating to PC's murder that it knew, prior to
- 23 Mr. Chavez's 2022 trial, were likely untrue;
- 24 9. The government never disclosed to Mr. Chavez of his
- 25 codefendants that another AUSA within the prosecution's own
- 26 office filed under seal documents as early as 2017 in which
- 27 she explained that a different person likely killed P.C.;

- 1 10. By continuing to proceed on false allegations relating to
- 2 P.C.'s murder, the government manufactured a need for Mr.
- 3 Chavez's codefendants to seek continuances, over his
- 4 objections, so they could properly defend against the false
- 5 murder allegations;
- 6 11. The government's suppression of *Brady* information prior to
- 7 Mr. Chavez's 2022 trial prejudiced both him and his
- 8 codefendants;
- 9 12. Because of the government's misconduct, Mr. Chavez believed
- 10 it was necessary to testify in his first trial;
- 11 13. Statements from Mr. Chavez's 2022 trial will adversely
- 12 impact his codefendants' trial rights, as the government
- 13 has indicated his statements will be used to show the
- 14 existence of the charged RICO conspiracy;
- 15 14. Chavez's codefendants have sought to sever as an
- 16 alternative remedy to their separate requests for
- 17 dismissals;
- 18 15. Mr. Chavez agrees that if the Court does not dismiss his
- 19 case, severance would be required to protect the trial
- 20 rights of his codefendants, who would be irreparably harmed
- 21 by a joint trial at this stage;
- 22 16. The government, through its own misconduct, has made it
- 23 impossible to conduct a joint trial fairly;
- 24 17. Had the government disclosed its misconduct sooner, there
- 25 would have been no reason to overrule his requests to
- 26 proceed to a speedy retrial; and

18. Mr. Chavez does not believe that anything less than a dismissal of his charges could cure the irreparable harm the government's misconduct has caused him.

Mr. Chavez incorporated by reference all arguments and citations to law regarding these issues that were made in prior proceedings and prior filings, including prior motions to dismiss.

Dated: August 23, 2024

Respectfully submitted,

/s/
MEGHAN BLANCO
Attorney for Defendant
GABRIEL ZENDEJAS-CHAVEZ